



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-23672 - APPLICANT/OWNER: GLADYS FLORES

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request to Rezone 0.15 acres from the R-1 (Single Family Residential) zoning district to the P-R (Professional Office and Parking) zoning district located at 1650 South Eastern Avenue. This Rezoning request is accompanied by a Site Development Plan Review (SDR-23671) and a Variance (VAR-23673) for the conversion of an existing 2-story, 1,660 square foot residential building to an office building.

Because this request requires Variance to deviate from the Office parking requirements staff recommends denial for nonconformance with the Title 19 Zoning Code.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
5/17/06	The City Council approved a request (GPA-12043) to amend a portion of the Southeast Sector Plan of the General Plan from the SC (Service Commercial) and L (Low Density Residential) General Plan Land Use Designation to the O (Office) General Plan Land Use Designation on 30.15 acres covering multiple APNs. Planning Commission and Staff recommended approval.
09/27/07	The Planning Commission recommended denial of companion items VAR-23673 and SDR-23671 and struck VAR-23674 from the agenda concurrently with this application. The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #31/mh).
<i>Related Relevant City Actions Fire, Bldg., Code Enf., etc.</i>	
7/23/04	Code Enforcement Case #18842: Permit and sign violations. Case resolved 9/14/04
12/30/04	Code Enforcement Case #24819: Rental house does not have hot water/ heat, roof leaks, bathroom clogged –owner won’t fix. Case resolved 5/03/05
5/19/05	Code Enforcement Case #30219: Outside trash and debris, multiple garage sales, junk in bank yard. Case resolved 6/01/05.
7/18/05	Code Enforcement Case #32568: Trash and debris, vacant house smells terrible. Case resolved 7/25/05
5/02/06	Code Enforcement Case #40788: Complaint of electric saw and pounding until midnight –noise nuisance. Case resolved 5/18/06.
10/03/06	Code Enforcement Case #46610: People come to the house to periodically fix cars behind the house with men keeping watch at the front of the property. Case resolved 10/11/07.
<i>Related Building Permits/Business Licenses</i>	
5/09/07	Building Permit #83403: Service upgrade from 125 amp to 225 amp.

<i>Pre-Application Meeting</i>	
8/09/07	A pre-application meeting was held with staff to discuss the requirements to convert an existing 2-story, 1,660 square foot single family residence to a Professional Office Building.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
9/07/07	<p>A field check was carried out by Planning and Development Staff with the following observations noted:</p> <ul style="list-style-type: none"> ▪ An existing two-story single family dwelling. ▪ Site access is limited to Howard Avenue ▪ Building is surrounded by asphalt with little to no landscaping ▪ The parking area has limited space and is accessible only from Howard Avenue. ▪ Second-story has windows facing towards both protected properties to the north and west.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.15 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residence	(Office)	R-1 (Single Family Residence)
North	Single Family Residence	(Office)	R-1 (Single Family Residence)
South	Office	(Office)	P-R (Professional Office and Parking)
East	ROW/ Office	O (Office)	P-R (Professional Office and Parking)
West	Single Family Residence	L (Low Density Residential)	R-1 (Single Family Residence)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	NA
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	60 feet	65 feet	Y
Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	20 feet 5 feet 15 feet 15 feet	30 feet 8 feet 14 feet 31 feet	Y Y N* Y
Max. Lot Coverage	50%	25%	Y
Max. Building Height	Lesser of 2 stories or 35 feet	22 feet	Y
Mech. Equipment	Screened from view	Not shown	N**

**Per Title 19.08.050(C)3, a development in the P-R District which is a conversion from an existing residential structure may maintain the existing setbacks.*

*** See Condition of Approval Number 8.*

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 6 Spaces	1 Tree	1 Tree	Y
Buffer: Min. Trees	1 Tree/ 20 Linear Feet	15 Trees	21 Trees	Y
TOTAL			21 Trees	Y
Min. Zone Width	15 feet along ROW And 8 Feet along interior lot		0 feet along Howard Avenue	N*
Wall Height	6 Feet		6 feet (existing)	Y

**Waivers from the Title 19.12 Landscape and Buffer Standards have been requested with the associated Site Development Review (SDR-23671).*

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office	1,660 SF	1:300 GFA	6	1	1	1	N
SubTotal			6		2		
TOTAL (including H/C)			6		2		N*

**A Variance (VAR-23673) to allow two parking spaces where six are required accompanies this request.*

ANALYSIS

The applicant is requesting a Rezoning from the existing R-1 (Single Family Residential) zoning district to the P-R (Professional Office and Parking) zoning district. The subject property is designated as O (Office) under the Southeast Sector Plan of the General Plan and as such, the appropriate zoning category would be the P-R (Professional Office and Parking) zoning district. Although the applicant is requesting a zoning district that is in compliance with the requested General Plan Amendment, this rezoning has been submitted in conjunction with a proposed Variance (VAR-23673) to allow two parking spaces where six are required. The associated Site Development Plan Review (SDR-23671) has also requested Waivers to the Title 19.12 Landscape and Buffer Standards as the proposed layout cannot meet adequate compliance.

Because of the issues with the proposed function of the site, rather than the proposed use, staff recommends denial for this Rezoning request and the affiliated Variance and Site Development Review requests as well.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. "The proposal conforms to the General Plan."

The P-R (Professional Office and Parking) zoning district is the compatible zoning category for the O (Office) General Plan Land Use Designation. However, as proposed, the provided site plan layout and building elevations are not compatible with various portions of the Title 19 Zoning Code or the adjacent residential properties.

2. "The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."

Due to the specific layout of this proposal, staff finds that commercial use, even as an Office use, would have a detrimental effect on the single family residences to the north and west and create a parking burden on the surrounding residential neighborhood.

3. "Growth and development factors in the community indicate the need for or appropriateness of the rezoning."

The project as proposed is more intense than other existing or proposed developments in the area as it requires two Variances (VAR-23673) to allow two parking spaces where six are required. As such, the project is not appropriate to the context of the neighboring residential neighborhood.

4. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."

The proposed office will access the site from Howard Avenue, classified as a Local Street with a 50-foot wide right-of-way, from Eastern Avenue, designated as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. Potential issues from the remaining residential neighborhood may arise to the west of this proposal as there is limited parking and there is an awkward site circulation that is located at the intersection of Eastern Avenue and Howard Avenue.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 1

ASSEMBLY DISTRICT 12

SENATE DISTRICT 10

NOTICES MAILED 434 by Planning Department

APPROVALS 0

PROTESTS 0